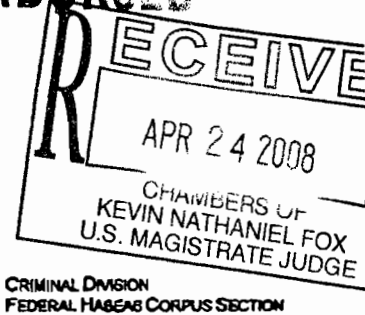


STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

MEMO ENDORSED



ANDREW M. CUOMO  
ATTORNEY GENERAL

April 24, 2008

**VIA FACSIMILE AND U.S. MAIL**

Honorable Kevin N. Fox  
United States Magistrate Judge  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Room 540  
New York, NY 10007

Re: Orlando Rodriguez v. Robert Ercole,  
08 Civ. 2074 (CN)(KNF)

Your Honor:

I am an Assistant Attorney General in the office of Andrew M. Cuomo, Attorney General of the State of New York, attorney for respondent in the above-referenced habeas corpus proceeding. I am writing to respectfully request an extension of time to respond to the petition for a writ of habeas corpus from April 30, 2008 until June 30, 2008.

In Your Honor's Order dated March 20, 2008, you ordered that my office file its response by April 30, 2008. However, our unit is operating under a 20 percent staffing reduction, which has caused an increase in our caseload. As a result, my caseload has included two habeas petition responses over the past two weeks as well as five habeas responses due over the next three weeks. I therefore respectfully request an extension of time until June 30, 2008 to respond to the petition. This is my first request for an extension. I have not contacted petitioner regarding this extension because he is incarcerated and appearing pro se.

I thank the Court for its consideration to this matter.

4/24/08  
Application granted.  
The petitioner shall serve and  
file any reply on or before July 31, 2008.  
SO ORDERED:  
Kevin Nathaniel Fox  
KEVIN NATHANIEL FOX, U.S.M.J.

Respectfully submitted,

Priscilla Steward  
Assistant Attorney General  
Federal Habeas Corpus Section  
(212) 416-8737

APR-24-2008 11:01

cc: Orlando Rodriguez  
04-A-5895  
Green Haven Correctional Facility  
594 Rte 2116  
Stormville, NY 12582